

REMARKS

In the March 18, 2005 Office Action, the drawings and the specification were objected to due to minor errors, claims 1-4, 6-8, 16-19, 21-23, 31-34, 36-38 and 46 stand rejected in view of prior art, while claims 5, 9-15, 20, 24-30, 35, and 39-45 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the March 18, 2005 Office Action, Applicants have amended the drawings, the specification and claims * as indicated above. Also Applicants have cancelled claim 1. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 2-54 are pending, with claims 2, 5, 10, 11, 16, 31, 35, 40, 41 and 46 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

In numbered paragraph 1 of the Office Action, the drawings were objected to as failing to comply with 37 CFR §1.84(p)(5) because of missing reference numerals. In response, Applicants submit herewith a Replacement Drawing Sheets that adds missing reference numerals "30", "32f" and "50".

Applicants believe that the drawings now comply with 37 CFR §1.83(p)(5). Applicants respectfully request withdrawal of the objections.

Specification

In numbered paragraph 2 of the Office Action, the specification was objected to for typographical errors. In response, Applicants have amended the specification to correct the typographical errors.

Applicants believe that the specification is now correct. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102

In numbered paragraphs 3 and 4 of the Office Action, claims 1-3, 7, 16-18 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 527,339 (the Lins patent). In response, Applicants have cancelled claim 1 and amended claims 1 and 16 to clearly define the present invention over the prior art of record and changed the dependency of claim 7 from claim 1 to claim 2. Applicants believe that the Lins patent fails to anticipate these claims, especially in view of the amendments, as explained below.

Claims 2, 3 and 7

In particular, independent claim 2 now clearly recites that the side panel door is pivotally coupled to the mounting structure by a hinge assembly that has a first part on the mounting structure and a second part on the side panel door. In other words, the independent claim 2 does not read on a structure where the hinge is mounted directly and solely to the compartment as in the Lins patent. Clearly, this structure of independent claim 2 is ***not*** disclosed or suggested by the structure of the Lins patent or any other prior art of record. The hinge of the Lins patent is mounted to the compartment, not the mounting structure as now clearly claimed. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference.

Therefore, Applicants respectfully submit that claim 2, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 3 and 7 are also allowable over the prior art of record in that they depend from independent claim 2, and therefore are allowable for the reasons stated above. Also, dependent claims 3 and 7 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 2, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejection as it is applied to claims 2, 3 and 7.

Claims 16-18 and 22

Independent claim 16 now clearly recites that the side panel door is pivotally coupled *directly on* the mounting structure by a hinge assembly and that the compartment is a separate component from the mounting structure. In other words, the independent claim 16 does not read on a structure where the hinge is mounted directly and solely to the compartment as in the Lins patent. Clearly, this structure of independent claim 16 is *not* disclosed or suggested by the structure of the Lins patent or any other prior art of record. As mentioned above, for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 16, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 17, 18 and 22 are also allowable over the prior art of record in that they depend from independent claim 16, and therefore are allowable for the reasons stated above. Also, dependent claims 17, 18 and 22 are further

allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 16, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejection as it is applied to claims 16-18 and 22.

Rejections - 35 U.S.C. § 103

In numbered paragraphs 5 to 10 of the Office Action, claims 4, 6, 8, 19, 21, 23, 31-34, 36-38 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable. More specifically, claims 4, 8, 19 and 23 stand rejected over U.S. Patent No. 527,339 (the Lins patent) in view of U.S. Patent No. 6,640,569 (the Goosman patent) and U.S. Patent No. 2,742,317 (the Chandler patent). Claims 6 and 21 stand rejected over U.S. Patent No. 527,339 (the Lins patent). Claims 31-33, 36, 37 and 46 stand rejected over U.S. Patent No. 6,059,141 (the Wojnowski patent) in view of U.S. Patent No. 527,339 (the Lins patent). Claims 34 and 38 stand rejected over U.S. Patent No. 6,059,141 (the Wojnowski patent) in view of U.S. Patent No. 527,339 (the Lins patent) and further in view of U.S. Patent No. 6,640,569 (the Goosman patent) and U.S. Patent No. 2,742,317 (the Chandler patent). In response, Applicants have amended independent claims 2 and 16 as mentioned above and independent claims 31 and 46 as discussed below.

Claims 4, 6 and 8

Claims 4, 6 and 8 depend from independent claim 2 and include the limitations of independent claim 2. In other words, dependent claims 4, 6 and 8 recite that the side panel door is pivotally coupled to the mounting structure by a hinge assembly that has a first part on the mounting structure and a second part on the side panel door. The secondary references (the Goosman patent and the Chandler patent) fail to provide for the deficiencies of the Lins

patent as mentioned above with respect to independent claim 2. The Goosman patent discloses a hinge structure coupled directly between the door and the compartment, and thus, **does not** disclose or suggest modifying the box structure of the Lins patent to have a hinge assembly that has a first part on the mounting structure and a second part on the side panel door as recited in independent claim 2. The Chandler patent is a gate, and thus, **does not** disclose or suggest modifying the box structure of the Lins patent to have a hinge assembly that has a first part on the mounting structure and a second part on the side panel door as recited in independent claim 2.

Accordingly, Applicants believe that dependent claims 4, 6 and 8 are also allowable over the prior art of record in that they depend from independent claim 2 and further limit independent claim 2.

Claims 19, 21 and 23

Claims 19, 21 and 23 depend from independent claim 16 and include the limitations of independent claim 16. In other words, dependent claims 19, 21 and 23 recite that the compartment is a **separate component** from the mounting structure and that the side panel door is **mounted directly on** the mounting structure. The secondary references (the Goosman patent and the Chandler patent) fail to provide for the deficiencies of the Lins patent as mentioned above with respect to independent claim 16. The Goosman patent discloses a hinge structure coupled directly between the door and the compartment, as mentioned above, and thus, **does not** disclose or suggest modifying the box structure of the Lins patent to have the side panel door **mounted directly on** the mounting structure as recited in independent claim 16. The Chandler patent is a gate, as mentioned above, and thus, **does not** disclose or suggest modifying the box structure of the Lins patent to have the side panel door **mounted directly on** the mounting structure as recited in independent claim 16.

Accordingly, Applicants believe that dependent claims 19, 21 and 23 are also allowable over the prior art of record in that they depend from independent claim 16 and further limit independent claim 16.

Claims 31-34 and 36-38

Regarding claims 31-34 and 36-38, Applicants have amended independent claim 31 to recite a vehicle structure comprising:

- a vehicle body having a side panel defining *a first portion of a side body wheel opening*; and
- a vehicle side panel storage box assembly including a mounting structure coupled to the vehicle body, a compartment fixedly coupled to the mounting structure, and a side panel door having *a first side edge that defines a second portion of a side body wheel opening*.

Clearly, the combination of the two cited patents (the Wojnowski patent and the Lins patent, the Goosman patent and the Chandler patent) whether taken singularly or in combination fail to disclose this claimed vehicle structure as set forth in independent claim 31 as now amended. In other words, none of these patents disclose or suggest a side panel defining *a first portion of a side body wheel opening* and a side panel door having a first side edge that defines *a second portion of a side body wheel opening*. Thus, any hypothetical structure that could possibly be suggested by these patents would not result in the claimed invention. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique vehicle structure with a compartment as set forth in independent claim 31.

Moreover, Applicants believe that dependent claims 32-34 and 36-38 are also allowable over the prior art of record in that they depend from independent claim 31, and

therefore are allowable for the reasons stated above. Also, dependent claims 32-34 and 36-38 are further allowable because they include additional limitations.

Thus, Applicants respectfully request withdrawal of these rejections as they are applied to claims 31-34 and 36-38.

Claim 46

Regarding claim 46, Applicants have amended independent claim 46 to recite a vehicle structure with a vehicle side panel storage box assembly comprising:

- a mounting structure fixedly coupled to a vehicle body;
- a compartment defining a box that is fixedly coupled to the mounting structure; and
- a side panel door pivotally mounted ***directly on the mounting structure such that the side panel door is primarily supported by the mounting structure*** to move between a closed position overlying the access opening of the compartment to an opened position exposing the access opening of the compartment.

Clearly, the combination of the Wojnowski patent and the Lins patent fails to disclose or suggest this claimed vehicle structure as set forth in independent claim 46 as now amended.

In other words, these patents neither disclose nor suggest a side panel door pivotally ***mounted directly on the mounting structure*** such that the side panel door is ***primarily supported by the mounting structure***. Both the Wojnowski patent and the Lins patent disclose a hinge structure coupled directly between the door and the compartment. Thus, any hypothetical structure that could possibly be suggested by these patents would not result in a side panel door mounted ***directly on*** the mounting structure as claimed. As mentioned above, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art ***suggests*** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for

combining the patents to create the Applicants' unique vehicle structure with a compartment as set forth in independent claim 46.

Thus, Applicants respectfully request withdrawal of the rejection of claim 46.

Allowable Subject Matter

In numbered paragraph 11 of the Office Action, claims 5, 9-15, 20, 24-30, 35 and 39-45 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

In response, Applicants have amended claims 5, 10, 11, 20, 24 and 35 as independent claims which do **not** include all of the limitations of the base claim and/or the intervening claims. Rather, Applicants believes that all of the limitations of the base claim and/or the intervening claims are not necessary for the allowance of amended claims 5, 10, 11, 20, 24 and 35. Thus, Applicants believes that claims 5, 9-15, 20, 24-30, 35 and 39-45 are allowable as amended.

New Claims

Applicants have added new claims 47-54, which depend from independent claim 46. Applicants believe that dependent claims 47-54 are allowable over the prior art of record in that they depend from independent claim 46, and therefore are allowable for the reasons stated above. Also, dependent claims 47-54 are further allowable because they include additional limitations.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

Appl. No. 10/740,927
Amendment dated June 17, 2005
Reply to Office Action of March 18, 2005

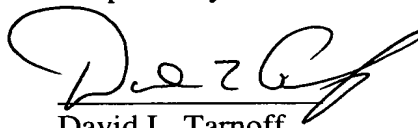
Supplemental Information Disclosure Statement

Applicants also submit herewith a Supplemental Information Disclosure Statement that cites U.S. Patent No. 6,846,140. Applicants request that this patent be considered and made of record in this application.

* * *

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 2-54 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



David L. Tarnoff
Reg. No. 32,383

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: 6-17-05

G:\06-JUN05-MSM\NT-US035185 Amdt.doc

Appl. No. 10/740,927
Amendment dated June 17, 2005
Reply to Office Action of March 18, 2005

AMENDMENTS TO THE DRAWINGS:

The attached replacement sheets of drawings include a change to Figures 4, 8, 9 and 10. In particular, missing reference numerals "30" and "50" have been added to the Figures 4, and 9 and missing reference numeral "32f" has been added to Figure 8 and 10. These replacement sheets, which include Figures 4 and 10-12, replace the original drawing sheets including Figures 4 and 10-12.

Attachment: three (3) replacement sheets